(Rev. 06/05) Judgment in a Criminal Case Sheet 1 - D. Massachusetts - 10/05

# UNITED STATES DISTRICT COURT

District of Massachusetts

UNITED STATES OF AMERICA

V.

TIRSON SANTANA

JUDGMENT IN A CRIMINAL CASE

Case Number: 1: 05 CR 10251 - 001 - MLW USM Number: 25725-038

Glen P. Randall, Esq.

	Glen P. Randall, Esq.
	Defendant's Attorney Additional documents attached
THE DEFENDANT:  pleaded guilty to count(s)  1	
pleaded noto contendere to count(s) which was accepted by the court.	
was found guilty on count(s) after a plea of not guilty.	
The defendant is adjudicated guilty of these offenses:	Additional Counts - See continuation page
Title & Section Nature of Offense	Offense Ended Count
BUSC § 1326 (a) & (b)(2) Illegal Re-entry of Deported Alien	08/16/05 1
The defendant is sentenced as provided in pages 2 through the Sentencing Reform Act of 1984.  The defendant has been found not guilty on count(s)	of this judgment. The sentence is imposed pursuant to
Count(s) is a	are dismissed on the motion of the United States.
It is ordered that the defendant must notify the United State or mailing address until all fines, restitution, costs, and special assess the defendant must notify the court and United States attorney of m	es attorney for this district within 30 days of any change of name, residence, sments imposed by this judgment are fully paid. If ordered to pay restitution, naterial changes in economic circumstances.
	06/02/06
	Date of Imposition of Judgment
	Clark Way
	Signature of Judge The Honorable Mark L. Wolf
	Chief Judge, U.S. District Court
	Name and Title of Judge
	June 24, 2006

SAO 245B(05-MA)

(Rev. 06/05) Judgment in a Criminal Case Sheet 2 - D. Massachusetts - 10/05

DEFENDANT: TIRSON SANTANA	Judgment —	- Page	of	10
CASE NUMBER: 1: 05 CR 10251 - 001 - MLW				
IMPRISONMENT				
The defendant is hereby committed to the custody of the United States Bureau of Prisons to total term of:  46 month(s)	be impris	soned fo	ra	
The court makes the following recommendations to the Bureau of Prisons:				
The defendant is remanded to the custody of the United States Marshal.				
The defendant shall surrender to the United States Marshal for this district:				
at a.m p.m. on			•	
as notified by the United States Marshal.				
The defendant shall surrender for service of sentence at the institution designated by the Bu	reau of P	risons:		
before 2 p.m. on				,
as notified by the United States Marshal.				
as notified by the Probation or Pretrial Services Office.				
as notified by the Probation of Premar Services Office.				
RETURN				
I have executed this judgment as follows:				
Defendant delivered on	····			
TTAY	ITED STAT	TEG MAD	CHAI	
UN	HED SIAI	LO WAR	SILVE	
By	Y UNITED S	OTLA OTTO	SADOLTAY	
DEPUTY	I UNITED S	STATES	VIAKSHAL	

on the attached page.

(Rev. 06/05) Judgment in a Criminal Case

	Sheet 3 - D. Massachusetts - 10/05	
DEI	FENDANT: TIRSON SANTANA	Judgment—Page 3 of 10
	SE NUMBER: 1: 05 CR 10251 - 001 - MLW SUPERVISED RELEASE	See continuation page
Upo	on release from imprisonment, the defendant shall be on supervised release for a term of :	month(s)
cust	The defendant must report to the probation office in the district to which the defendant i ody of the Bureau of Prisons.	s released within 72 hours of release from the
The	defendant shall not commit another federal, state or local crime.	
The subs there	defendant shall not unlawfully possess a controlled substance. The defendant shall refrai stance. The defendant shall submit to one drug test within 15 days of release from imprisc eafter, not to exceed 104 tests per year, as directed by the probation officer.	n from any unlawful use of a controlled onment and at least two periodic drug tests
	The above drug testing condition is suspended, based on the court's determination that the future substance abuse. (Check, if applicable.)	ne defendant poses a low risk of
✓	The defendant shall not possess a firearm, ammunition, destructive device, or any other	dangerous weapon. (Check, if applicable.)
$\checkmark$	The defendant shall cooperate in the collection of DNA as directed by the probation offi	cer. (Check, if applicable.)
	The defendant shall register with the state sex offender registration agency in the state w student, as directed by the probation officer. (Check, if applicable.)	here the defendant resides, works, or is a
	The defendant shall participate in an approved program for domestic violence. (Check,	if applicable.)
Sche	If this judgment imposes a fine or restitution, it is a condition of supervised release that tedule of Payments sheet of this judgment.	he defendant pay in accordance with the

### STANDARD CONDITIONS OF SUPERVISION

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

SAO 245B(05-MA)

(Rev. 06/05) Judgment in a Criminal Case Sheet 4A - Continuation Page - Supervised Release/Probation -10/05

DEFENDANT: TIRSON SANTANA

CASE NUMBER: 1: 05 CR 10251 - 001 - MLW

Judgment—Page \_\_\_\_4 of \_\_\_10

## ADDITIONAL☑ SUPERVISED RELEASE☐ PROBATION TERMS

The defendant is to participate in a program for substance abuse as directed by the United States Probation Office, which program may include testing to determine whether the defendant has reverted to the use of alcohol or drugs.

The defendant shall use his true name and is prohibited from the use of any aliases, false name, false social security number, false date of birth, false place of birth or any other false identification information.

If ordered deported or otherwise required to leave the United States, the defendant is to depart the United States promptly and is not to return without prior permission of the Secretary of Homeland Security.

The defendant's term of supervised release shall be suspended during any period of deportation and will resume if the defendant returns to the United States.

Continuation of Conditions of Supervised Release Probation

®AO 2	245B(05-MA)	(Rev. 06/05) Judgment in a Criminal Sheet 5 - D. Massachusetts - 10/05	Case				
DEE	ENDANT:	TIRSON SANTANA			Judgment —	- Page5 of	10
CAS	ENDANT: E NUMBER:	1: 05 CR 10251 - 00	01 - MLW				
			INAL MON	ETARY PE	ENALTIES		
,	Γhe defendant r	must pay the total criminal mor	netary penalties	under the schedu	ale of payments on She	eet 6.	
тот	ALS S	Assessment \$100.00	<u>)</u> \$	<u>Fine</u>	<u>Re</u> \$	stitution	
	-	<b>\$100.00</b>	-				
	The determinati	on of restitution is deferred un	til An	Amended Judg	gment in a Criminal	Case (AO 245C) will	be entered
	The defendant r	nust make restitution (includin	g community re	stitution) to the f	following payees in the	amount listed below.	
	If the defendant the priority orde before the Unite	makes a partial payment, each er or percentage payment columed d States is paid.	n payee shall reco mn below. How	eive an approximever, pursuant to	nately proportioned pa o 18 U.S.C. § 3664(i),	yment, unless specified all nonfederal victims r	otherwise in nust be paid
Nam	e of Payee	Total Lo	ss*	Restituti	on Ordered	Priority or Perc	entage
						See Cont. Page	inuation
TOT	ALS	\$	\$0.00	\$	\$0.00		
	Restitution am	ount ordered pursuant to plea :	agreement \$ _			·	
	fifteenth day as	must pay interest on restitution fter the date of the judgment, p delinquency and default, purs	oursuant to 18 U.	S.C. § 3612(f).			
	The court deter	rmined that the defendant does	not have the ab	ility to pay intere	est and it is ordered that	at:	
	the interes	t requirement is waived for the	e  fine [	restitution.			
	the interes	t requirement for the	ine restit	rution is modifie	d as follows:		

<sup>\*</sup> Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

(Rev. 06/05) Judgment in a Criminal Case Sheet 6 - D. Massachusetts - 10/05

TIRSON SANTANA

Judgment - Page \_

10

of

DEFENDANT:

CASE NUMBER: 1: 05 CR 10251 - 001 - MLW

## SCHEDULE OF PAYMENTS

Hav	ring assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:
A	Lump sum payment of \$ due immediately, balance due
	not later than, or in accordance C, D, E, or F below; or
В	Payment to begin immediately (may be combined with C, D, or F below); or
C	Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after the date of this judgment; or
D	Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
E	Payment during the term of supervised release will commence within (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
F	Special instructions regarding the payment of criminal monetary penalties:
	ess the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during risonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial ponsibility Program, are made to the clerk of the court.
The	defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.
	Joint and Several  Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount,
	and corresponding payee, if appropriate.
_	
Ļ	The defendant shall pay the cost of prosecution.
	The defendant shall pay the following court cost(s):
L	The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

AO 2	45B			Criminal Judgment (Page 1) — Statement of Reasons - D. Massachusetts - 10/05
CA				TIRSON SANTANA  1: 05 CR 10251 - 001 - MLW  MASSACHUSETTS  STATEMENT OF REASONS
Į.	CC	OURT	FINI	DINGS ON PRESENTENCE INVESTIGATION REPORT
	Α		The	e court adopts the presentence investigation report without change.
	В	¥	(Che	e court adopts the presentence investigation report with the following changes.  eck all that apply and specify court determination, findings, or comments, referencing paragraph numbers in the presentence report, if applicable.)  e Section VIII if necessary.)
		1		Chapter Two of the U.S.S.G. Manual determinations by court (including changes to base offense level, or specific offense characteristics):
		2		Chapter Three of the U.S.S.G. Manual determinations by court (including changes to victim-related adjustments, role in the offense, obstruction of justice, multiple counts, or acceptance of responsibility):
		3	$ \mathbf{Z} $	Chapter Four of the U.S.S.G. Manual determinations by court (including changes to criminal history category or scores, career offender, or criminal livelihood determinations):
		4		As the government agreed in court, the PSR erroneously gave the defendant 2 points for committing this offense Additional Comments or Findings (including comments or factual findings concerning certain information in the presentence report that the Federal Bureau of Prisons may rely on when it makes inmate classification, designation, or programming decisions):
	С		Th	e record establishes no need for a presentence investigation report pursuant to Fed.R.Crim.P. 32.
Π		,		DING ON MANDATORY MINIMUM SENTENCE (Check all that apply.)
	A	V	No	count of conviction carries a mandatory minimum sentence.
	В		Mar	ndatory minimum sentence imposed.
	С		sent	or more counts of conviction alleged in the indictment carry a mandatory minimum term of imprisonment, but the ence imposed is below a mandatory minimum term because the court has determined that the mandatory minimum is not apply based on
				findings of fact in this case substantial assistance (18 U.S.C. § 3553(e)) the statutory safety valve (18 U.S.C. § 3553(f))
m	CC	OURT	DET	ERMINATION OF ADVISORY GUIDELINE RANGE (BEFORE DEPARTURES):
	Cri Imp Sup	prisonn pervise ie Rang	Histo nent d Re ge: \$	ory Category: III  Range: 46 to 57 months  lease Range: 24 to 36 years

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AO 245B (05-MA) (Rev. 06/05) Criminal Judgment

Attachment (Page 2) — Statement of Reasons - D. Massachusetts - 10/05

DEFENDANT: TIRSON SANTANA

CASE NUMBER: 1: 05 CR 10251 - 001 - MLW

DISTRICT:

**MASSACHUSETTS** 

## STATEMENT OF REASONS

					512		MENT OF REMOONS					
IV	ADV	ISORY	GUID	ELINE SENTENCI	NG D	ETER	MINATION (Check only one.)					
	A	Z Ti	e senter	nce is within an advisory g	uidelin	e range	that is not greater than 24 months, and	the c	ourt finds no reason to depart.			
	B											
	C The court departs from the advisory guideline range for reasons authorized by the sentencing guidelines manual.  (Also complete Section V.)											
	D	D The court imposed a sentence outside the advisory sentencing guideline system. (Also complete Section VI.)										
$\mathbf{V}$	DEP	ARTUF	ES A	U <b>THORIZED BY TI</b>	HE AI	DVISC	ORY SENTENCING GUIDELI	NES	(If applicable.)			
	A The sentence imposed departs (Check only one.):    below the advisory guideline range   above the advisory guideline range											
	В	Departu	re bas	ed on (Check all that a	apply.	):						
	☐ 5K1.1 plea agreeme ☐ 5K3.1 plea agreeme ☐ binding plea agreem ☐ plea agreement for c					all that apply and check reason(s) below.):  nt based on the defendant's substantial assistance  nt based on Early Disposition or "Fast-track" Program  tent for departure accepted by the court  departure, which the court finds to be reasonable  states that the government will not oppose a defense departure motion.						
	<ul> <li></li></ul>				notion notion for de lepartu	based based parture are to v	eement (Check all that apply and on the defendant's substantial as on Early Disposition or "Fast-tra which the government did not obj which the government objected	sistan ck" p	nce			
	3	3 Other										
				Other than a plea ag	reeme	nt or n	notion by the parties for departure	(Che	eck reason(s) below.):			
	C	Reason	(s) for	Departure (Check al	l that :	apply o	other than 5K1.1 or 5K3.1.)					
	4A1.3 5H1.1 5H1.2 5H1.3 5H1.4 5H1.5 5H1.6 5H1.11	Age Educati Mental Physica Employ Family Military	on and V and Emo I Condit ment Re Ties and Record			5K2.1 5K2.2 5K2.3 5K2.4 5K2.5 5K2.6 5K2.7 5K2.8 5K2.9 5K2.10	Death Physical Injury Extreme Psychological Injury Abduction or Unlawful Restraint Property Damage or Loss Weapon or Dangerous Weapon Disruption of Government Function Extreme Conduct Criminal Purpose Victim's Conduct		5K2.11 Lesser Harm  5K2.12 Coercion and Duress  5K2.13 Diminished Capacity  5K2.14 Public Welfare  5K2.16 Voluntary Disclosure of Offense  5K2.17 High-Capacity, Semiautomatic Weapon  5K2.18 Violent Street Gang  5K2.20 Aberrant Behavior  5K2.21 Dismissed and Uncharged Conduct  5K2.22 Age or Health of Sex Offenders  5K2.23 Discharged Terms of Imprisonment  Other guideline basis (e.g., 2B1.1 commentary)			
	D	Explair	the fa	ects justifying the de	partui	re. (U	se Section VIII if necessary.)					

Filed 06/24/2006 Page 9 of 10 Case 1:05-cr-10251-MLW Document 20

AO 245B (05-MA) (Rev. 06/05) Criminal Judgment
Attachment (Page 3) — Statement of Reasons - D. Massachusetts 10/05

TIRSON SANTANA

Judgment - Page 9 of

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**DEFENDANT:** DISTRICT:

CASE NUMBER: 1: 05 CR 10251 - 001 - MLW MASSACHUSETTS

			STATEMENT OF REASONS					
VI		URT DETE	RMINATION FOR SENTENCE OUTSIDE THE ADVISORY GUIDELINE SYSTEM apply.)					
	A The sentence imposed is (Check only one.):  ☐ below the advisory guideline range ☐ above the advisory guideline range							
	В	Sentence i	Sentence imposed pursuant to (Check all that apply.):					
		<u>!</u>	Plea Agreement (Check all that apply and check reason(s) below.):  binding plea agreement for a sentence outside the advisory guideline system accepted by the court  plea agreement for a sentence outside the advisory guideline system, which the court finds to be reasonable  plea agreement that states that the government will not oppose a defense motion to the court to sentence outside the advisory guideline system					
		[ [	Motion Not Addressed in a Plea Agreement (Check all that apply and check reason(s) below.):  government motion for a sentence outside of the advisory guideline system  defense motion for a sentence outside of the advisory guideline system to which the government did not object defense motion for a sentence outside of the advisory guideline system to which the government objected					
			Other  Other than a plea agreement or motion by the parties for a sentence outside of the advisory guideline system (Check reason(s) below.):					
	C	Reason(s)	for Sentence Outside the Advisory Guideline System (Check all that apply.)					
		to reflect to afford to protect to provide (18 U.S.	re and circumstances of the offense and the history and characteristics of the defendant pursuant to 18 U.S.C. § 3553(a)(1) the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense (18 U.S.C. § 3553(a)(2)(A)) adequate deterrence to criminal conduct (18 U.S.C. § 3553(a)(2)(B)) on the public from further crimes of the defendant (18 U.S.C. § 3553(a)(2)(C)) detected the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner C. § 3553(a)(2)(D)) unwarranted sentencing disparities among defendants (18 U.S.C. § 3553(a)(6)) de restitution to any victims of the offense (18 U.S.C. § 3553(a)(7))					

Explain the facts justifying a sentence outside the advisory guideline system. (UseSection VIII if necessary.)

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AO 245B (05-MA) (Rev. 06/05) Criminal Judgment

Attachment (Page 4) - Statement of Reasons - D. Massachusetts - 10/05

TIRSON SANTANA DEFENDANT:

1: 05 CR 10251 - 001 - MLW

CASE NUMBER: MASSACHUSETTS DISTRICT:

## STATEMENT OF REASONS

## VII COURT DETERMINATIONS OF RESTITUTION Restitution Not Applicable. В Total Amount of Restitution: C Restitution not ordered (Check only one.): For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because the number of 1 identifiable victims is so large as to make restitution impracticable under 18 U.S.C. § 3663A(c)(3)(A). 2 For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because determining complex issues of fact and relating them to the cause or amount of the victims' losses would complicate or prolong the sentencing process to a degree that the need to provide restitution to any victim would be outweighed by the burden on the sentencing process under 18 U.S.C. § 3663A(c)(3)(B). 3 For other offenses for which restitution is authorized under 18 U.S.C. § 3663 and/or required by the sentencing guidelines, restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweigh the need to provide restitution to any victims under 18 U.S.C. § 3663(a)(1)(B)(ii). Restitution is not ordered for other reasons. (Explain.) D Partial restitution is ordered for these reasons (18 U.S.C. § 3553(c)): VIII ADDITIONAL FACTS JUSTIFYING THE SENTENCE IN THIS CASE (If applicable.) I.B.3 cont. while under a criminal justice sentence because the immigration authorities knew he was unlawfully in the U.S. and began removal proceedings before he was convicted and sentenced. Sections I, II, III, IV, and VII of the Statement of Reasons form must be completed in all felony cases. 000-00-7572 Defendant's Soc. Sec. No.: Date of Imposition of Judgment 06/02/06 00/00/1960 Defendant's Date of Birth: Defendant's Residence Address: Norfolk County Correctional Center Signature of Judge 200 West Street, Dedham, MA The Honorable Mark L. Wolf Chief Judge, U.S. District Court Defendant's Mailing Address: Name and Title of Judge Same as Above Date Signed <

(Rev. 06/05) Judgment in a Criminal Case Sheet 1 - D. Massachusetts - 10/05

# UNITED STATES DISTRICT COURT

District of Massachusetts

UNITED STATES OF AMERICA

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V.

JUDGMENT IN A CRIMINAL CASE

TIRSON SANTANA	Case Number: 1: 05 CR 10251 - 001 - MLW
	USM Number: 25725-038
	Glen P. Randall, Esq.
	Defendant's Attorney Additional documents attached
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pleaded noto contendere to count(s) which was accepted by the court.	
was found guilty on count(s) after a plea of not guilty.	
The defendant is adjudicated guilty of these offenses:	Additional Counts - See continuation page
Title & Section Nature of Offense  3 USC § 1326 (a) & (b)(2 Illegal Re-entry of Deported Alien	Offense Ended         Count           08/16/05         1
and a second of the control of performen	03/10/03
The defendant is sentenced as provided in pages 2 thr the Sentencing Reform Act of 1984.  The defendant has been found not guilty on count(s)	
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SAO 245B(05-MA)

(Rev. 06/05) Judgment in a Criminal Case Sheet 2 - D. Massachusetts - 10/05

DEFENDANT: TIRSON SANTANA CASE NUMBER: 1: 05 CR 10251 - 001 - MLW	Judgment — Page	of	10
IMPRISONMENT			
The defendant is hereby committed to the custody of the United States Bureau of Pritotal term of:  46 month(s)	risons to be imprisoned	for a	
The court makes the following recommendations to the Bureau of Prisons:			
The defendant is remanded to the custody of the United States Marshal.			
The defendant shall surrender to the United States Marshal for this district:			
at a.m. p.m. on		•	
as notified by the United States Marshal.			
The defendant shall surrender for service of sentence at the institution designated by	y the Bureau of Prisons:	<u>'</u>	
before 2 p.m. on	,		
as notified by the United States Marshal.			
as notified by the Probation or Pretrial Services Office.			
RETURN			
I have executed this judgment as follows:			
a, with a certified copy of this judgment.			
	UNITED STATES MA	RSHAL	
Ву			
Бу	DEPLITY LINITED STATES	MARSHAI	

♠AO 245B(05-MA)

(Rev. 06/05) Judgment in a Criminal Case

Sheet 3 - D. Massachusetts - 10/05	
DEFENDANT: TIRSON SANTANA	Judgment—Page 3 of 10
CASE NUMBER: 1: 05 CR 10251 - 001 - MLW SUPERVISED RELEASE	See continuation page
Upon release from imprisonment, the defendant shall be on supervised release for a term of:	24 month(s)
The defendant must report to the probation office in the district to which the defendant custody of the Bureau of Prisons.	is released within 72 hours of release from the
The defendant shall not commit another federal, state or local crime.	
The defendant shall not unlawfully possess a controlled substance. The defendant shall refrassubstance. The defendant shall submit to one drug test within 15 days of release from imprison thereafter, not to exceed 104 tests per year, as directed by the probation officer.	in from any unlawful use of a controlled onment and at least two periodic drug tests
The above drug testing condition is suspended, based on the court's determination that t future substance abuse. (Check, if applicable.)	he defendant poses a low risk of
The defendant shall not possess a firearm, ammunition, destructive device, or any other	dangerous weapon. (Check, if applicable.)
The defendant shall cooperate in the collection of DNA as directed by the probation off	icer. (Check, if applicable.)
The defendant shall register with the state sex offender registration agency in the state we student, as directed by the probation officer. (Check, if applicable.)	where the defendant resides, works, or is a
The defendant shall participate in an approved program for domestic violence. (Check,	if applicable.)
If this judgment imposes a fine or restitution, it is a condition of supervised release that Schedule of Payments sheet of this judgment.	the defendant pay in accordance with the

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- the defendant shall not leave the judicial district without the permission of the court or probation officer;
- the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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SAO 245B(05-MA)

(Rev. 06/05) Judgment in a Criminal Case Sheet 4A - Continuation Page - Supervised Release/Probation -10/05

DEFENDANT: TIRSON SANTANA

CASE NUMBER: 1: 05 CR 10251 - 001 - MLW

Judgment—Page \_\_\_\_4 of \_\_\_10

# ADDITIONAL☑ SUPERVISED RELEASE ☐ PROBATION TERMS

The defendant is to participate in a program for substance abuse as directed by the United States Probation Office, which program may include testing to determine whether the defendant has reverted to the use of alcohol or drugs.

The defendant shall use his true name and is prohibited from the use of any aliases, false name, false social security number, false date of birth, false place of birth or any other false identification information.

If ordered deported or otherwise required to leave the United States, the defendant is to depart the United States promptly and is not to return without prior permission of the Secretary of Homeland Security.

The defendant's term of supervised release shall be suspended during any period of deportation and will resume if the defendant returns to the United States.

Continuation of Conditions of Supervised Release Probation

₩AU.	245B(U5-MA)	Sheet 5 - D. Massach							
DEF	ENDANT:	TIRSON SAL		- MLW		Judgme	ent — Page	5 of	10
CAS	SE NUMBER:	1: 05 CR 10			TADV DI	ENALTIES			
ı	The defendant	must pay the total				ale of payments on	Sheet 6.		
тот	ALS \$	Assessment \$100	.00	\$ \$	<u>ne</u>	\$	Restitution		
	The determinat after such deter		s deferred until	An	Amended Jud	gment in a Crimi	nal Case (A	) 245C) will	be entered
	The defendant	must make restitut	ion (including co	ommunity resti	tution) to the	following payees in	n the amount	listed below.	
	If the defendan the priority ord before the Unit	t makes a partial p er or percentage p ed States is paid.	ayment, each pay ayment column l	yee shall receiv below. Howev	e an approxinger, pursuant t	nately proportioned o 18 U.S.C. § 3664	l payment, ur l(i), all nonfe	less specified deral victims	l otherwise in must be paid
Nam	e of Payee		Total Loss*		Restitut	ion Ordered	<u>Pr</u>	iority or Per	centage
								See Con Page	tinuation
TOT	ALS	\$		\$0.00	\$	\$0.00			
	The defendant fifteenth day a		on restitution an	id a fine of mo	C. § 3612(f).	, unless the restitut			
П						est and it is ordered	d that:		
	the interes	st requirement is v	vaived for the	fine _	restitution.				
	the interes	st requirement for	the fine	restitu	tion is modifie	ed as follows:			

<sup>\*</sup> Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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(Rev. 06/05) Judgment in a Criminal Case Sheet 6 - D. Massachusetts - 10/05

TIRSON SANTANA

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DEFENDANT:

CASE NUMBER: 1: 05 CR 10251 - 001 - MLW

## SCHEDULE OF PAYMENTS

Hav	ring assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:								
A	Lump sum payment of \$ due immediately, balance due								
В	not later than, or in accordance C, D, E, or F below; or Payment to begin immediately (may be combined with C, D, or F below); or F below); or F below for								
С	Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after the date of this judgment; or								
D	Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or								
E	Payment during the term of supervised release will commence within								
F	Special instructions regarding the payment of criminal monetary penalties:								
	Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.  The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.								
Γ	Joint and Several See Continuation								
	Page  Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.								
	The defendant shall pay the cost of prosecution.  The defendant shall pay the following court cost(s):  The defendant shall forfeit the defendant's interest in the following property to the United States:								

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

AO 24	5B	(Rev. 06/05) Criminal Judgment Attachment (Page 1) — Statement of Reasons - D. Massachusetts - 10/05											
	ΕN			TIRSON SANTANA  1: 05 CR 10251 - 001 - MLW  MASSACHUSETTS  STATEMENT OF REASONS									
I	COURT FINDINGS ON PRESENTENCE INVESTIGATION REPORT												
A   The court adopts the presentence investigation report without change.													
	B The court adopts the presentence investigation report with the following changes.  (Check all that apply and specify court determination, findings, or comments, referencing paragraph numbers in the presentence report, if applic (Use Section VIII if necessary.)												
		1		Chapter Two of the U.S.S.G. Manual determinations by court (including changes to base offense level, or specific offense characteristics):									
2 Chapter Three of the U.S.S.G. Manual determinations by court (including changes to victim-related adjustments, role in the offense, obstruction of justice, multiple counts, or acceptance of responsibility):													
		3	$\checkmark$	Chapter Four of the U.S.S.G. Manual determinations by court (including changes to criminal history category or scores, career offender, or criminal livelihood determinations):									
		4		As the government agreed in court, the PSR erroneously gave the defendant 2 points for committing this offense Additional Comments or Findings (including comments or factual findings concerning certain information in the presentence report that the Federal Bureau of Prisons may rely on when it makes inmate classification, designation, or programming decisions):									
	С		The	e record establishes no need for a presentence investigation report pursuant to Fed.R.Crim.P. 32.									
n	CC	COURT FINDING ON MANDATORY MINIMUM SENTENCE (Check all that apply.)											
	A	V	No count of conviction carries a mandatory minimum sentence.										
	В		Mandatory minimum sentence imposed.										
	С		sent	or more counts of conviction alleged in the indictment carry a mandatory minimum term of imprisonment, but the ence imposed is below a mandatory minimum term because the court has determined that the mandatory minimum not apply based on									
				findings of fact in this case substantial assistance (18 U.S.C. § 3553(e)) the statutory safety valve (18 U.S.C. § 3553(f))									
m	CC	OURT I	ЭEТ	ERMINATION OF ADVISORY GUIDELINE RANGE (BEFORE DEPARTURES):									
	Cri Imp Sup	orisonm pervised e Rang	listo ient l Re e: \$	ry Category: III Range: 46 to 57 months ease Range: 24 to 36 years									

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AO 245B (05-MA) (Rev. 06/05) Criminal Judgment

Attachment (Page 2) — Statement of Reasons - D. Massachusetts - 10/05

TIRSON SANTANA DEFENDANT:

CASE NUMBER: 1: 05 CR 10251 - 001 - MLW

DISTRICT:

MASSACHUSETTS

STATEMENT OF REASONS														
IV	AD	ADVISORY GUIDELINE SENTENCING DETERMINATION (Check only one.)												
	Α .	<b>✓</b> The	senten	ce is within an advisory g	uidel	uideline range that is not greater than 24 months, and the court finds no reason to depart.								
	В			nce is within an advisory gon VIII if necessary.)	guideline range that is greater than 24 months, and the specific sentence is imposed for these reasons.									
	С			departs from the advisory olete Section V.)	y guideline range for reasons authorized by the sentencing guidelines manual.									
	D	The	court	imposed a sentence outsid	e the	advisory	sentencing guideline system. (Also con	mplete	Section VI	.)				
$\mathbf{V}$	DEPARTURES AUTHORIZED BY THE ADVISORY SENTENCING GUIDELINES (If applicable.)													
	A	A The sentence imposed departs (Check only one.):  □ below the advisory guideline range □ above the advisory guideline range												
	В	Departur	e base	ed on (Check all that a	apply	y.):								
		1 .	Plea Agreement (Check all that apply and check reason(s) below.):   5K1.1 plea agreement based on the defendant's substantial assistance  5K3.1 plea agreement based on Early Disposition or "Fast-track" Program  binding plea agreement for departure accepted by the court  plea agreement for departure, which the court finds to be reasonable  plea agreement that states that the government will not oppose a defense departure motion.											
		2	Motion Not Addressed in a Plea Agreement (Check all that apply and check reason(s) below.):  □ 5K1.1 government motion based on the defendant's substantial assistance  □ 5K3.1 government motion based on Early Disposition or "Fast-track" program  □ government motion for departure  □ defense motion for departure to which the government did not object  □ defense motion for departure to which the government objected											
		3	Oth	er										
				Other than a plea ag	reem	ent or n	notion by the parties for departur	e (Ch	eck reaso	on(s) below.):				
	C	Reason(	s) for	Departure (Check al	l tha	t apply	other than 5K1.1 or 5K3.1.)							
	<ul> <li>4A1.3 Criminal History Inadequacy</li> <li>5H1.1 Age</li> <li>5H1.2 Education and Vocational Skills</li> <li>5H1.3 Mental and Emotional Condition</li> <li>5H1.4 Physical Condition</li> <li>5H1.5 Employment Record</li> <li>5H1.6 Family Ties and Responsibilities</li> <li>5H1.11 Military Record, Charitable Service, Good Works</li> <li>5K2.0 Aggravating or Mitigating Circumstances</li> </ul>					5K2.1 5K2.2 5K2.3 5K2.4 5K2.5 5K2.6 5K2.7 5K2.8 5K2.9 5K2.10	Death Physical Injury Extreme Psychological Injury Abduction or Unlawful Restraint Property Damage or Loss Weapon or Dangerous Weapon Disruption of Government Function Extreme Conduct Criminal Purpose Victim's Conduct		<ul> <li>5K2.13 Diminished Capacity</li> <li>5K2.14 Public Welfare</li> <li>5K2.16 Voluntary Disclosure of Offense</li> <li>5K2.17 High-Capacity, Semiautomatic Weap</li> <li>5K2.18 Violent Street Gang</li> <li>5K2.20 Aberrant Behavior</li> <li>5K2.21 Dismissed and Uncharged Conduct</li> <li>5K2.22 Age or Health of Sex Offenders</li> </ul>					
	D	Explain	the fa	cts justifying the de	part	ure. (U	se Section VIII if necessary.)							

AO 245B (05-MA) (Rev. 06/05) Criminal Judgment
Attachment (Page 3) — Statement of Reasons - D. Massachusetts 10/05

TIRSON SANTANA

Judgment - Page 9 of

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**DEFENDANT:** DISTRICT:

CASE NUMBER: 1: 05 CR 10251 - 001 - MLW

MASSACHUSETTS

			STATEMENT OF REASONS								
VI	COURT DETERMINATION FOR SENTENCE OUTSIDE THE ADVISORY GUIDELINE SYSTEM (Check all that apply.)										
	A	☐ below	ence imposed is (Check only one.): the advisory guideline range the advisory guideline range								
	В	Sentence imposed pursuant to (Check all that apply.):									
		1	Plea Agreement (Check all that apply and check reason(s) below.):  binding plea agreement for a sentence outside the advisory guideline system accepted by the court  plea agreement for a sentence outside the advisory guideline system, which the court finds to be reasonable  plea agreement that states that the government will not oppose a defense motion to the court to sentence outside the advisory guideline system								
		2	Motion Not Addressed in a Plea Agreement (Check all that apply and check reason(s) below.):  government motion for a sentence outside of the advisory guideline system  defense motion for a sentence outside of the advisory guideline system to which the government did not object defense motion for a sentence outside of the advisory guideline system to which the government objected								
		3	Other  Other than a plea agreement or motion by the parties for a sentence outside of the advisory guideline system (Check reason(s) below.):								
	C	Reason(s	) for Sentence Outside the Advisory Guideline System (Check all that apply.)								
		to refle to affor to prote to prov (18 U.S.	are and circumstances of the offense and the history and characteristics of the defendant pursuant to 18 U.S.C. § 3553(a)(1) of the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense (18 U.S.C. § 3553(a)(2)(A)) of adequate deterrence to criminal conduct (18 U.S.C. § 3553(a)(2)(B)) of the public from further crimes of the defendant (18 U.S.C. § 3553(a)(2)(C)) of the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner (a.C. § 3553(a)(2)(D)) of unwarranted sentencing disparities among defendants (18 U.S.C. § 3553(a)(6)) of the restitution to any victims of the offense (18 U.S.C. § 3553(a)(7))								

Explain the facts justifying a sentence outside the advisory guideline system. (UseSection VIII if necessary.) D

Judgment - Page 10 of

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AO 245B (05-MA) (Rev. 06/05) Criminal Judgment

Attachment (Page 4) -- Statement of Reasons - D. Massachusetts - 10/05

TIRSON SANTANA DEFENDANT:

CASE NUMBER: 1: 05 CR 10251 - 001 - MLW

MASSACHUSETTS DISTRICT:

## STATEMENT OF REASONS

VII	COL	URT I	DET	ERMINATION	NS OF RESTI	TUTION								
	A	<b>V</b>	Res	titution Not App	plicable.									
	В	Tota	l Am	ount of Restitut	tion:									
	C Restitution not ordered (Check only one.):													
		1		For offenses for widentifiable victim			•	-			red because	e the nu	mber of	
		For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because determining consistence of fact and relating them to the cause or amount of the victims' losses would complicate or prolong the sentencing process to a contract that the need to provide restitution to any victim would be outweighed by the burden on the sentencing process under 18 U.S.C. § 3663A.									cess to a de	gree		
For other offenses for which restitution is authorized under 18 U.S.C. § 3663 and/or required by the sentencing guidelines, restitution ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order of the need to provide restitution to any victims under 18 U.S.C. § 3663(a)(1)(B)(ii).														
		4		Restitution is not o	ordered for other n	easons. (Explain	n.)							
D Partial restitution is ordered for these reasons (18 U.S.C. § 3553(c)):  VIII ADDITIONAL FACTS JUSTIFYING THE SENTENCE IN THIS CASE (If applicable.)  I.B.3 cont. while under a criminal justice sentence because the immigration authorities knew he was unlawfully in the U.S. and began removal proceedings before he was convicted and sentenced.										oegan				
Defe	ndant	s Soc		c. No.:	0-7572	f the Statemer	nt of Reasons	D	ust be composte of Impo		,			
				Birth:					cle	ue	_ <del>Y</del>	h	Sau	1
				20	orfolk County Cor 00 West Street, Dec			The I	ignature of Honorable	Mark L.		Chief	Judge, U	District Cour
Defe	Defendant's Mailing Address:  Same as Above  Name and Title of Indee  Date Signed										wil			